

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariana Thomas	Team: Squad #16	CCRB Case #: 202202712	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/15/2022 8:32 PM, Friday, 04/15/2022 11:27 PM, Saturday, 04/16/2022 2:00 AM	Location of Incident: 59th Street/Columbus Circle subway station; En route to MCB; Transit District 1 stationhouse	18 Mo. SOL 10/15/2023	Precinct: 18		
Date/Time CV Reported Wed, 04/20/2022 9:00 AM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Fri, 04/29/2022 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT SA Ryan Murphy	00000	933077	TD 01 LTP
2. PO Randy Vasquez	09434	958146	TD 01 LTP
3. PO Daming Wu	03034	957296	TD 01 LTP
4. PO Jose Quimichavez	01840	966790	TD 1
5. PO Moises Calderon	08769	929816	TD 1
6. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Christian Medina	12981	966211	TD 1
2. PO Fidas Peralta	29682	955312	TD 01 LTP

Officer(s)	Allegation	Investigator Recommendation
A . LT SA Ryan Murphy	Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy used physical force against § 87(2)(b)	
B . PO Daming Wu	Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Police Officer Daming Wu used physical force against § 87(2)(b)	
C . Officers	Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, officers used a chokehold against § 87(2)(b)	
D . LT SA Ryan Murphy	Abuse: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy interfered with § 87(2)(b) use of a recording device.	
E . LT SA Ryan Murphy	Abuse: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy issued an unlawful summons to § 87(2)(b)	
F . PO Randy Vasquez	Discourtesy: On April 15, 2022, en route to Manhattan Central Booking, Police Officer Randy Vasquez spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G . PO Moises Calderon	Abuse: On April 16, 2022, at the Transit District 1 stationhouse in Manhattan, Police Officer Moises Calderon did not process § 87(2)(b) complaint regarding officers.	
H . PO Jose Quimizchavez	Abuse: On April 16, 2022, at the Transit District 1 stationhouse in Manhattan, Police Officer Jose Quimiz Chavez did not process § 87(2)(b) complaint regarding officers.	

### Case Summary

On April 20, 2022, this complaint was filed anonymously via email with Deputy Inspector Kenneth Gorman of the 114th Precinct. The complaint contained a YouTube video posted by § 87(2)(b). IAB received the complaint under IAB log § 87(2)(b). The complaint was received by the CCRB on April 29, 2022.

On April 15, 2022, at approximately 8:32 p.m., at the 59th Street—Columbus Circle subway station in Manhattan, § 87(2)(b) approached Lieutenant Ryan Murphy, Police Officer Randy Vasquez, and Police Officer Daming Wu, all of Anti-Terrorism, and two civilians the officers stopped and began recording them with a camera attached to a stabilizer. Lieutenant Murphy and PO Wu allegedly threw § 87(2)(b) to the ground and handcuffed him (**Allegations A-B: Force, § 87(2)(g)**). Officers allegedly choked § 87(2)(b) (**Allegation C: Force, § 87(2)(g)**). Lieutenant Murphy interfered with § 87(2)(b) recording and removed him to the stationhouse to charge him with disorderly conduct (**Allegation D: Abuse of Authority, § 87(2)(g)**). **Allegation E: Abuse of Authority, § 87(2)(g)**

At approximately 11:27 p.m., Police Officer Fidias Peralta, of Anti-Terrorism, and PO Vasquez transported § 87(2)(b) to Manhattan Central Booking. En route, PO Vasquez told § 87(2)(b) “I have no idea who the fuck you are” (**Allegation F: Discourtesy, § 87(2)(g)**).

On April 16, 2022, at approximately 2:00 a.m., § 87(2)(b) went to the Transit District 1 stationhouse, where Police Officer Moises Calderon and Police Officer Jose Quimiz Chavez, both of Transit District 1, refused to file his complaint (**Allegation G: Abuse of Authority: § 87(2)(g)**). **Allegation H: Abuse of Authority, § 87(2)(g)**

§ 87(2)(b) received a C-Summons for disorderly conduct, which was dismissed (**Board Review 01**).

This case was originally assigned to former Investigator Lydia Woolley. On February 13, 2023, it was reassigned to Investigator Ariana Thomas.

The investigation obtained body-worn camera (“BWC”) footage (**Board Review 02-12**) from the NYPD Legal Bureau, video surveillance footage (**Board Review 13**) of the 59<sup>th</sup> Street Columbus Circle subway station from the MTA, and video footage that § 87(2)(b) posted on his YouTube channel (**Board Review 14-15**).

### Findings and Recommendations

**Allegation (A) Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy used physical force against § 87(2)(b)**

**Allegation (B) Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Police Officer Daming Wu used physical force against § 87(2)(b)**

**Allegation (C) Force: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, officers used a chokehold against § 87(2)(b)**

**Allegation (D) Abuse of Authority: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy interfered with § 87(2)(b) use of a recording device.**

**Allegation (E) Abuse of Authority: On April 15, 2022, at the 59th Street - Columbus Circle subway station in Manhattan, Lieutenant Ryan Murphy issued an unlawful summons to § 87(2)(b)**

§ 87(2)(b) refused to provide a statement to the CCRB (**Board Review 16**).

In § 87(2)(b) YouTube video (**Board Review 14**), at 29:20, § 87(2)(b) approaches Lieutenant Murphy, PO Vasquez, PO Wu, and two civilians the officers stopped on the northbound 1-train subway platform. At 30:50, one of the civilians asks § 87(2)(b) to stop recording. § 87(2)(b) says, “What if you get shot?” The civilian replies, “True, thanks.” At 31:14, Lieutenant Murphy lets the civilians go and asks § 87(2)(b) “How are you?” § 87(2)(b) walks towards the officers and stands in front of them. At 31:46, Lieutenant Murphy activates his BWC and instructs PO Wu and PO Vasquez to do the same. Between 31:46 and 33:44, § 87(2)(b) remains standing in front of the three officers as people walk past. At 33:42, a train arrives, and the officers walk towards it and down the platform. § 87(2)(b) follows. At 34:25, § 87(2)(b) boards the train briefly and at 34:33, he exits. At 34:40, the officers walk back towards the center of the platform. At 35:33, § 87(2)(b) approaches Lieutenant Murphy, who says, “Don’t come any closer to me than that.” § 87(2)(b) says, “Or you’re going to shoot me?” Lieutenant Murphy repeats his order. § 87(2)(b) says, “Or you’re going to shoot me? Why are you taking me as an enemy?” Between 35:40 and 35:52, Lieutenant Murphy tells § 87(2)(b) that he can record but to not be in his face and to go “over there” to record. § 87(2)(b) tells the officers he is six feet away but the officers dispute this. At 35:50, § 87(2)(b) begins to back up and at 36:01 PO Vasquez gives a thumbs up to § 87(2)(b). At 36:17, § 87(2)(b) asks Lieutenant Murphy, “Why the fuck you don’t embrace people?” Lieutenant Murphy tells § 87(2)(b) to stop screaming. § 87(2)(b) says, “Stop screaming? What you gonna do, man? Shut the fuck up, man.” No civilians are captured in the general vicinity of § 87(2)(b) and the officers. At 36:26, Lieutenant Murphy beckons § 87(2)(b) forward, as he walks towards § 87(2)(b) backs up. At 36:33, Lieutenant Murphy runs towards § 87(2)(b) as his camera briefly pans to the subway tracks. At 36:36, the camera pans back to § 87(2)(b) and the officers as § 87(2)(b) says, “They threw me down” and drops to his knees. Lieutenant Murphy grabs § 87(2)(b) right hand and pulls it behind his back. At 36:45, § 87(2)(b) camera remains on the ground, facing the ceiling. At 36:55, Lieutenant Murphy says, “Disorderly conduct.” § 87(2)(b) laughs. At 36:58, PO Vasquez picks up his camera and § 87(2)(b) gags and says, “Look they choked me and everything.” § 87(2)(b) neck is not visible. § 87(2)(b) tells the officers not to touch his camera. PO Vasquez says he has to bring it with § 87(2)(b) to the stationhouse. At 37:09, an officer (identified via the investigation as PO Vasquez) places § 87(2)(b) camera on the ground, as it continues recording. At 39:18, PO Vasquez picks up § 87(2)(b) camera, which continues recording as the officers walk him towards the stationhouse. The camera faces the subway tiles. § 87(2)(b) says, “Don’t stop the camera,” and Lt. Murphy replies, “Sure.” The camera continues recording until 40:09, when the video cuts to an outro image and song.

BWC footage was consistent with § 87(2)(b) YouTube video. In BWC for Lieutenant Murphy (**Board Review 05**), at 03:52, § 87(2)(b) walks towards Lieutenant Murphy holding a camera that is attached to an approximately one-foot-long stabilizer, such that he stands approximately three feet away from Lieutenant Murphy. At 04:19, § 87(2)(b) backs up, such that he is approximately six feet away from Lieutenant Murphy. At 04:45, § 87(2)(b) says, “Shut the fuck up, man,” as he remains standing in place and filming the officers. Three civilians stand at the end of the platform approximately 20 feet away from the officers and § 87(2)(b) seemingly waiting for the next train to arrive.

What follows is more clearly captured on BWC for PO Vasquez (**Board Review 06**), where at 05:07, PO Wu and Lieutenant Murphy run towards § 87(2)(b). Lieutenant Murphy’s BWC falls to the ground and onto the tracks. § 87(2)(b) drops to his knees. At 05:11, Lieutenant Murphy grabs § 87(2)(b) right forearm, as PO Wu grabs his left forearm. At 05:14, PO Vasquez picks up § 87(2)(b) camera. At 05:16, PO Vasquez handcuffs § 87(2)(b) as Lieutenant Murphy’s left-hand rests on § 87(2)(b) upper back. At 05:29, Lieutenant Murphy orders § 87(2)(b) who is on his knees, to stand up. As § 87(2)(b) says the officers choked him, no officer makes physical contact

with § 87(2)(b) neck. The officers transport § 87(2)(b) to the Transit District 1 stationhouse.

MTA footage does not capture this incident (**Board Review 13**).

Lieutenant Murphy's statement was generally consistent with the video evidence (**Board Review 17**). He testified that he observed § 87(2)(b) filming the officers and the two civilians they stopped. Approximately eight seconds after the officers concluded their stop, Lieutenant Murphy saw that § 87(2)(b) was still recording the officers, so he reactivated his BWC. After conducting a train inspection, § 87(2)(b) entered Lieutenant Murphy's zone of safety, such that he stood approximately three feet away from him. § 87(2)(b) was not committing any violations at this point. Lieutenant Murphy did not know § 87(2)(b) who was holding a camera attached to a stabilizer, which could have been used as a weapon, within three feet of his face, nor did he know his mental state or what he was capable of. Additionally, they were on an active subway platform with people and incoming trains, which is a dangerous situation on any given day. While § 87(2)(b) was refusing Lieutenant Murphy's orders, he said, in a raised voice, "Why are you taking me as an enemy?" which is also another reason why Lieutenant Murphy did not want § 87(2)(b) so close to him because this statement was made seemingly out of nowhere. Once § 87(2)(b) complied with PO Vasquez's orders to back up, he began to yell, scream, shout, curse, and cause public alarm, at which point Lieutenant Murphy determined that his conduct rose to the level of disorderly conduct and decided to arrest him. Lieutenant Murphy did not remember what § 87(2)(b) was screaming about, though he knew that it was directed towards the officers. § 87(2)(b) was not making any threats towards anyone; he was just screaming and cursing. Approximately seven to eight people stood towards the end of the platform and appeared to stay away from the officers because of the interaction they were having with § 87(2)(b). On the other side of the platform additional civilians waited for the train, though Lieutenant Murphy did not know if they were paying attention. Besides screaming, yelling, and cursing, § 87(2)(b) was not doing anything else that rose to the level of disorderly conduct or made him cause public alarm.

As § 87(2)(b) backed away from the officers, Lieutenant Murphy grabbed his right shoulder to place him under arrest. § 87(2)(b) turned his camera towards himself and then went down to his knees on his own. Lieutenant Murphy denied that he or any officer pushed or shoved § 87(2)(b) to the ground. Lieutenant Murphy pulled § 87(2)(b) right arm behind his back, PO Wu pulled his left arm behind his back, and PO Vasquez attached the handcuffs. § 87(2)(b) made a gagging sound, as the officers stood him up from a kneeling position to his feet once he was handcuffed and said, "They're choking me." At this point, PO Wu and PO Vasquez were solely making physical contact with § 87(2)(b) hands and forearms to pick him up off the ground. Lieutenant Murphy denied ever making any physical contact with any part of § 87(2)(b) neck or choking § 87(2)(b) and never observed any officer do so. Lieutenant Murphy's memo book (**Board Review 18**) notes that § 87(2)(b) was issued a C-Summons § 87(2)(b).

PO Vasquez's statement was somewhat consistent with the video evidence and Lieutenant Murphy's testimony (**Board Review 19**). He testified that § 87(2)(b) was causing public alarm because civilians standing on the platform were looking at him and the officers and a crowd of approximately 20 people dispersed throughout the platform began to form. § 87(2)(b) was not talking to other civilians at this time nor was he blocking any pedestrian traffic. Besides § 87(2)(b) yelling, screaming, and that a crowd was forming, § 87(2)(b) was not doing anything else to be disorderly. Lieutenant Murphy made the decision to place § 87(2)(b) under arrest. § 87(2)(b) dropped to his knees on his own and PO Vasquez nor any officer ever pushed § 87(2)(b) to the ground. PO Vasquez never saw any officer choke § 87(2)(b) or make any contact with his neck.



A request for a C-Summons § 87(2)(b) (Board Review 20) to the NYPD Legal Bureau returned with negative results, citing that the summons was not in the NYPD database anymore as it likely already went to court.

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Though the video evidence captures § 87(2)(b) stating that the officers threw him to the ground and choked him, the video evidence also shows that § 87(2)(b) dropped to his knees on his own and that, at the moment when he alleged officers choked him, no officers made any physical contact with his neck, which is consistent with the officers' testimony. § 87(2)(g)

NYPD Administrative Guide 304-21 (Board Review 21) states that individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. The right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/recording.

Given that Lieutenant Murphy made the decision to initiate § 87(2)(b) arrest for disorderly conduct, **Allegation D** was solely pled against him. Given that Lieutenant Murphy was arresting § 87(2)(b) for disorderly conduct, § 87(2)(g) Furthermore, though § 87(2)(b) did not provide a statement to the CCRB, he did not allege in his YouTube video that the officers stopped his camera from recording. Given that § 87(2)(b) YouTube video confirms that his camera was still recording as the officers walked him to the stationhouse, the investigation determined that no officer stopped § 87(2)(b) recording; they solely took the camera from him once he was arrested. § 87(2)(g)

New York State Penal Law, Section 240.20 states that a person is guilty of disorderly conduct when, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he engages in fighting or in violent, threatening behavior, or he makes unreasonable noise, or, in a public place, he uses abusive or obscene language, or makes an obscene gesture, or without lawful authority, he disturbs any lawful assembly or meeting of persons, or he obstructs vehicular or pedestrian traffic, or he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse, or he creates a hazardous or physically offensive condition by an act which serves no legitimate purpose (**Board Review 22**).

People v. Baker, 20 N.Y.3d 354, states that, "critical to a charge of disorderly conduct is a finding that defendant's disruptive statements and behavior were of a public rather than an individual dimension" (**Board Review 23**). People v. Weaver, 16 N.Y.3d 123, states that, "a person may be guilty of disorderly conduct only when the situation extends beyond the exchange between the individual disputants to a point where it becomes a potential or immediate public problem" (**Board Review 24**).

Given that Lieutenant Murphy made the decision to initiate § 87(2)(b) arrest for disorderly conduct, **Allegation E** was solely pled against him. The video evidence captures § 87(2)(b) using profanity and expressing discontent that Lieutenant Murphy does not "embrace people." The investigation determined that § 87(2)(b) behavior throughout this incident was consistent with a civilian exercising his lawful right to record police in public, rather than an attempt to cause public annoyance, inconvenience, or alarm. Though PO Vasquez testified that § 87(2)(b) actions caused

a crowd of approximately 20 people dispersed throughout the platform to form, the video evidence clearly disputes this, showing that approximately three civilians stood on the platform at least 20 feet away from the officers. Additionally, § 87(2)(b) did not address anyone aside from the officers, and at no point did he obstruct pedestrian traffic. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (F) Discourtesy: On April 15, 2022, en route to Manhattan Central Booking, Police Officer Randy Vasquez spoke discourteously to § 87(2)(b)**

BWC footage for PO Vasquez (Board Review 09) captures PO Vasquez and PO Peralta transporting § 87(2)(b) to Manhattan Central Booking in a marked police van. PO Peralta operates the van, PO Vasquez sits in the second row, and § 87(2)(b) sits in the third row. At 23:40, § 87(2)(b) asks PO Vasquez if he knows who he is. PO Vasquez says, “I have no idea who the fuck you are, bro.”

Upon an unknown officer’s query of § 87(2)(b) name at the stationhouse and seeing an active warrant for § 87(2)(b) PO Vasquez and PO Peralta transported him to Manhattan Central Booking. PO Vasquez did not remember if he ever told § 87(2)(b) “I don’t know who the fuck you are.” When presented with his BWC footage (Board Review 09), PO Vasquez said he could “kinda hear the footage,” and he did not recall if he said, “I don’t know who the fuck you are,” and could not clearly hear himself saying that. When played again, PO Vasquez said he heard words being said, but did not recall saying, “I don’t know who the fuck you are.” He did not hear himself saying the word “fuck.” PO Vasquez said that transporting § 87(2)(b) to Central Booking was not chaotic or stressful.

Officers must render their services with courtesy and civility, and they must maintain a higher standard of integrity than is generally expected of others. NYPD Patrol Guide, Procedure 200-02 (Board Review 25). Officers have a responsibility to act with decorum in their interactions with civilians, though there are certain situations where profane remarks made during a stressful or chaotic situation do not constitute misconduct. Disciplinary Court No. 2018-18951 (Board Review 26). Officers may not use profanity that is intended only to insult or belittle a civilian. Disciplinary Court No. 2015-15012 (Board Review 27).

Though PO Vasquez asserted that he could not hear himself saying, “I don’t know who the fuck you are” to § 87(2)(b) and did not recall saying this, based on the BWC footage, the investigation determined that he made this statement. It is undisputed that transporting § 87(2)(b) to Central Booking was neither stressful nor chaotic; § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (G) Abuse of Authority: On April 16, 2022, at the Transit District 1 stationhouse in Manhattan, Police Officer Moises Calderon did not process § 87(2)(b) complaint regarding officers.**

**Allegation (H) Abuse of Authority: On April 16, 2022, at the Transit District 1 stationhouse in Manhattan, Police Officer Jose Quimiz Chavez did not process § 87(2)(b) complaint regarding officers.**

In § 87(2)(b) YouTube video (Board Review 15), at 09:51, officers tell § 87(2)(b) that he

cannot record and order him to leave the stationhouse. At 10:18, § 87(2)(b) exits the stationhouse and remains outside. At 11:40, PO Quimiz Chavez exits the stationhouse, as § 87(2)(b) says, “I need a complaint report, man.” PO Quimiz Chavez tells him to give him one second, as two officers, one who wears a white shirt, enter the stationhouse. At 12:08, § 87(2)(b) says he wants to make a formal complaint against officers. PO Quimiz Chavez says, “That’s not here, you need to call IAB for that.” § 87(2)(b) says he is trying to make a complaint against officers who threw him on the ground. PO Quimiz Chavez tells § 87(2)(b) to call IAB. At 13:29, PO Quimiz Chavez tells § 87(2)(b) to call 911 to file a complaint. At 14:37, PO Calderon exits the stationhouse and § 87(2)(b) asks him for a complaint form. PO Calderon says he will help after he assists another civilian. At 15:00, § 87(2)(b) requests to file a complaint again and PO Quimiz Chavez says 911 will direct him to IAB to file his complaint. § 87(2)(b) says, “But I’m here in person” and PO Quimiz Chavez says he already had his opportunity when he was inside the stationhouse earlier. At 15:50, § 87(2)(b) asks PO Calderon for a complaint form and says he wants to file a complaint against officers. PO Calderon asks what he means, and § 87(2)(b) says he wants to make a complaint against officers. At 17:30, PO Calderon says he will see what form he can get § 87(2)(b) and enters the stationhouse. At 21:06, Police Officer Christian Medina, of Transit District 1, exits the stationhouse, says he heard from his partner what § 87(2)(b) was talking to him about, and hands § 87(2)(b) a piece of paper with the website, number, and address for the CCRB. § 87(2)(b) asks if the stationhouse has forms. PO Medina says he did not see one. § 87(2)(b) says, “No problem.” At 22:30, § 87(2)(b) walks away, calling PO Quimiz Chavez a “Bitch,” as he does so.

BWC footage for PO Quimiz Chavez (**Board Review 10-11**) and PO Medina (**Board Review 12**) was consistent with § 87(2)(b) YouTube video.

PO Quimiz Chavez’ statement was somewhat consistent with the video evidence (**Board Review 28**). He testified that § 87(2)(b) picked up his camera from the stationhouse following his arrest, and was being very hostile, loud, and disorderly, as he did so, by calling officers names and flailing his arms. When § 87(2)(b) requested to file a complaint, higher ranking officers arrived at the stationhouse, so PO Quimiz Chavez told § 87(2)(b) to wait until they were done. To file § 87(2)(b) complaint at the stationhouse, PO Quimiz Chavez would have had to go inside the stationhouse to speak to a supervisor, but due to § 87(2)(b) hostility, he did not want to leave his post outside, thereby giving § 87(2)(b) the opportunity to go inside and “do something out of the ordinary.” Eventually, PO Quimiz Chavez told § 87(2)(b) to call 911 and ask to speak to IAB. PO Quimiz Chavez did not take § 87(2)(b) complaint because higher-ranking officers were conducting business inside the stationhouse and then PO Medina provided § 87(2)(b) with information on how to file a complaint, so PO Quimiz Chavez felt that the situation was settled because § 87(2)(b) left. In general, when a civilian requests to file a complaint at the stationhouse, officers are to inform civilians that they can do so by phone, online, or in person. PO Quimiz Chavez did not know if there were any forms available at the stationhouse, but he stated he would have to notify his supervisor if someone wanted to file a complaint in person.

PO Medina’s statement was generally consistent with the video evidence (**Board Review 29**). He testified that from inside the stationhouse, he saw § 87(2)(b) standing outside the entrance holding a camera that faced PO Quimiz Chavez, but that he could not hear what was being said. PO Medina heard from the T/S Operator, identified via the investigation as PO Calderon, that § 87(2)(b) wanted to speak to the CCRB, so he wrote down the information on scrap paper. No one ever asked PO Medina to get this information for § 87(2)(b). He took it upon himself to do so since the CCRB’s information is posted on a wall inside the stationhouse. After writing the CCRB’s information down, PO Medina conferred with the desk officer, whom he did not recall, by saying, “I am going to give this to the gentleman outside. Am I good to do that?” The desk officer said yes,



so PO Medina walked outside and gave § 87(2)(b) the information. § 87(2)(b) solely asked PO Medina if there was a physical form at the stationhouse, which PO Medina had tried unsuccessfully to find in a stack of paperwork, and PO Medina told him he could not find one. § 87(2)(b) never asked him to file a complaint.

In the command log, it was noted that at 2:00 a.m. § 87(2)(b) property was returned to him, but does not mention his request to file a complaint (**Board Review 35**, page 9).

§ 87(2)(g)

NYPD Patrol Guide, Procedure 207-28, states that complaints against uniformed members of service may be made at any transit district. When a civilian appears in person at a department facility and alleges misconduct by a uniformed member of service, the member of service receiving the complaint is required to give the complainant a civilian complaint report to be prepared in the complainant's own handwriting. When a member of the service receives a request for a civilian complaint report, the desk officer/supervisor will be advised and a Command Log entry will immediately be made and shall include the name of the complainant, if provided, physical description, etc. (**Board Review 31**).

It is undisputed that § 87(2)(b) repeatedly told PO Quimiz Chavez that he wanted to file a complaint against the officers involved in his arrest in person at the stationhouse. In response, PO Quimiz Chavez told § 87(2)(b) to call 911 and speak with IAB. § 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b)
- Lieutenant Murphy has been a member of service for 19 years and has been a subject in two CCRB complaints and two allegations, neither of which were substantiated. § 87(2)(g)
- PO Vasquez has been a member of service for eight years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Wu has been a member of service for eight years and this is the first complaint to which he has been a subject.
- PO Quimiz Chavez has been a member of service for four years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

- § 87(2)(g) [REDACTED]
- Mediation, Civil, and Criminal Histories**
- This complaint was not suitable for mediation.
  - As of May 10, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 33**).
  - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: 16

Investigator:	<u>Ariana Thomas</u>	<u>Inv. Ariana Thomas</u>	<u>06/02/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Patrick Yu</u>	<u>IM Patrick Yu</u>	<u>06/02/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date